

hereby reserving the right to use its said property hereby leased to the full extent that does not interfere with the limited right of franchise granted to Franchisee hereunder.

Section 5. The Franchisee agrees and binds itself to indemnify, keep and hold the City free and harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from Franchisee's use of the property leased hereunder, or the exercise of any right granted by or under this franchise or the failure, refusal, omission or neglect of the Franchisee to perform any duty imposed upon or assumed by the Franchisee by or under this franchise, whether such injury or damage occurs during the life of or after the expiration date of this franchise. In the event that any suit or proceeding shall be brought jointly against the City and the Franchisee, at law or in equity, on account thereof, the Franchisee will defend the City in any such suit or proceeding at the cost of the Franchisee, provided the City gives such assistance and cooperation in the defense of any such suit or proceeding as in the opinion of counsel for the Franchisee may be necessary or desirable to a proper defense. In the event of a final judgment or decree in any such suit or proceeding being obtained against the City either independently or jointly with the Franchisee, then the Franchisee will pay such judgment or comply with such decree and bear all costs and expenses of whatsoever nature and hold the City harmless therefrom.

Franchisee's obligation to indemnify City hereunder shall run to and include any and all such claims, damages, losses, costs, expenses, or judgments which may be awarded in any such legal action, and to pay all expenses including, but not limited to, reasonable attorney fees, reasonable investigative costs and court costs; PROVIDED, Franchisee has received actual notice of such claim or loss, or received lawful service of process in any legal action or proceeding for which Franchisee may be required to reimburse the City under the terms of this provision, and provided further that the Franchisee has control of the defense of any such claim or suit. However, no provision of this ordinance shall be construed to render the Franchisee liable for the negligence of the City, its agents or employees, its contractors, or any other persons. The Franchisee, its successors and assigns, shall obtain and keep in full force and effect during the life of this franchise a policy or policies of liability insurance issued by surplus lines insurer(s), in an adequate amount or amounts as required and approved by the City, and, upon request, file certificate or certificates thereof in the office of the Clerk of the City.

Section 6. The annual fee for the use of this right so leased shall be \$2,400 per year, payable in monthly installments of \$200 in advance to the City of Waynesboro, Virginia, on or before the 5th day of each month during the term hereof.

Section 7. This lease to be exclusively for the purpose stated herein and for no other purpose and all residuary interest

in the property so leased for said specific purpose shall remain solely in fee and in the control and title of the City of Waynesboro, Virginia;

Section 8. Franchisee must maintain on file with the City during the term hereof a surety bond in the amount of \$5,000, to be increased annually by the amount of the Consumer Retail Price Index, payable to the City on failure of Franchisee to remove said tower and building from City's premises within sixty (60) days of the last month for which Franchisee pays monthly lease fee hereunder to the City, or, in the alternative, Franchisee shall deposit in an escrow account the sum of \$5,000, which on such failure shall be paid, with all interest accrued thereon, to the City, which principal and interest the City shall use for the removal of said building and tower, and all appurtenances thereto above or below ground.

Section 9. The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety and protection of its inhabitants under its police powers. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City.

Section 10. The right of the City to impose any lawful franchise, license, property or other tax upon the franchise herein granted and upon properties or Facilities constructed or installed by the Franchisee hereunder shall not be deemed to be waived, abridged or in any way affected by this ordinance.

Section 11. The franchise, lease, and rights hereby granted and conferred are conditioned upon the Franchisee at all times complying fully with all applicable federal, state, or local laws or regulations applicable to the use for which Franchisee may from time to time use the leased premises hereunder.

Section 12. The rights and privileges hereby granted to Franchisee may not be transferred or assigned to any other person or entity without the permission in writing of the City which permission shall not unreasonably be withheld.

Section 13. The hereinabove rights shall be conditioned on City Council approving a conditional use permit under the terms of Chapter 27 of the City Code to allow the aforesaid construction to take place in the flood district.

Section 14. Notices hereunder shall be sent to the City, c/o City Manager, 250 South Wayne Avenue, P. O. Box 1028, Waynesboro, Virginia 22980, and the Franchisee at Rt. 2, Box 220, Forest, VA 24551 or, when local notice to the Franchisee is permissible hereunder such notice shall be given to Phillip C. Showers, President.

INTRODUCED: on September 13, 1993 by Harley A. Tomey, Jr.

ADOPTED: September 27, 1993

EFFECTIVE: October 7, 1993

/s/ Wilma M. Zeh

CLERK

/s/ Thomas L. Gorsuch, M.D.

MAYOR

ORDINANCE NUMBER 1993-44

AN ORDINANCE REZONING A CERTAIN 7.54-ACRE PARCEL
OF CITY-OWNED REAL ESTATE AS SHOWN ON A "PLAT SHOWING
7.54 ACRES PROPOSED FRANCHISE SITE ON 145.219 ACRES,
COYNER SPRINGS TRACT, WAYNESBORO, VIRGINIA,
DATED AUGUST 19, 1993, BY THE CITY ENGINEERING
DEPARTMENT, WAYNESBORO, VIRGINIA,
FROM RA-1 (SINGLE FAMILY DISTRICT)
TO RB-1 (GENERAL DWELLING DISTRICT)

WHEREAS, upon application of Jerry L. Gwaltney, City Manager, on behalf of the City of Waynesboro, Virginia, owner, a joint public hearing was held by the City Planning Commission and the City Council, pursuant to notice thereof as required by Section 27-80 of the Code of this City and Section 15.1-431 of the Code of Virginia, both as amended, and

WHEREAS, it appears that the proposed rezoning is consistent with good zoning practice, is justified by the public necessity, convenience, and general welfare, and is in accord with the comprehensive plan of this City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that a certain 7.54-acre parcel of city-owned real estate as shown on a "Plat Showing 7.54 acres Proposed Franchise Site on 145.219 Acres, Coyner Springs Tract, Waynesboro, Virginia," dated August 19, 1993, by the City Engineering Department, Waynesboro, Virginia, which plat is attached hereto and made a part hereof, be and the same hereby is rezoned from RA-1 (Single Family District) to RB-1 (General Dwelling District).

INTRODUCED: on September 13, 1993 by Harley A. Tomey, Jr.

ADOPTED: September 27, 1993

EFFECTIVE: October 7, 1993

/s/ Wilma M. Zeh

CLERK

/s/ Thomas L. Gorsuch, M.D.

MAYOR

ORDINANCE NUMBER 1993-45

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
TO ALLOW THE INSTALLATION OF A RADIO TRANSMISSION TOWER
ON A CERTAIN 7.54-ACRE PARCEL
OF CITY-OWNED REAL ESTATE AS SHOWN ON A "PLAT SHOWING
7.54 ACRES PROPOSED FRANCHISE SITE ON 145.219 ACRES,
COYNER SPRINGS TRACT, WAYNESBORO, VIRGINIA,"
DATED AUGUST 19, 1993, BY THE CITY ENGINEERING
DEPARTMENT, WAYNESBORO, VIRGINIA

WHEREAS, upon application of Jerry L. Gwaltney, City Manager, on behalf of the City of Waynesboro, Virginia, owner, a joint public hearing was held by the City Planning Commission and the City Council, pursuant to notice thereof as required by Section 27-80 of the Code of this City and Section 15.1-431 of the Code of Virginia, both as amended, and

WHEREAS, the proposed use of the property by the applicant is included specifically as one of the permitted conditional uses in an RB-1 (General Dwelling District) in which it is proposed to be located, and

WHEREAS, the proposed use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in an RB-1 General Dwelling District;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that the City or its franchisee, Hometown Media, Inc., be and the same are hereby granted a conditional use permit to allow the installation of a radio transmission tower on a certain 7.54-acre parcel of city-owned real estate as shown on a "Plat Showing 7.54 acres, Proposed Franchise Site on 145.219 Acres, Coyner Springs Tract, Waynesboro, Virginia," dated August 19, 1993, by the City Engineering Department, Waynesboro, Virginia, which plat is attached hereto and made a part hereof.

This ordinance is conditioned on the adoption of and will take effect simultaneously with, An Ordinance rezoning a certain 7.54 acre parcel of City-owned real estate as shown on a "Plat Showing 7.54 acres proposed franchise site on 145.219 acres, Coyner Springs Tract, Waynesboro, Virginia", dated August 19, 1993, by the City Engineering Department, Waynesboro, Virginia, from RA-1 (Single Family District) to RB-1 (General Dwelling District).

INTRODUCED: on September 13, 1993 by R. Jack Higgs

ADOPTED: September 27, 1993

EFFECTIVE: October 7, 1993

/s/ Wilma M. Zeh

CLERK

/s/ Thomas L. Gorsuch, M.D.

MAYOR

NationsBank

NationsBank of Virginia, N.A.

Cashier's Check

5668871

Responsibility
Center # 1011750

68-1/510

Date Oct. 15, 1993

NationsBank **100 DOLLARS**

\$ 100.00

Pay
to the Order of

Dollars

FCC

Yolanda Showers

Purchaser / Purpose

Charles W. Barnes

Authorized Signature

⑈5668871⑈ ⑆051000017⑆ 0181 6002⑈

GARDNER, CARTON & DOUGLAS

NOV 13 1992

1301 K STREET, N.W.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUITE 900, EAST TOWER

Nov 17 3 01 PM '92

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

(202) 408-7100

AUD. VICES

FACSIMILE (202) 289-1504

James K. Edmundson
(202) 408-7162

November 13, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., ROOM 222
Washington, D.C. 20554

RE: WZKT(AM)
Waynesboro, Virginia
BAL-920902ED

Dear Ms. Searcy:

There is presently pending before the Commission the above-referenced application to assign the license of standard broadcast Station WZKT, from SlocuMedia, Inc., to Hometown Media, Inc. The Commission has received informal objections to the grant of this application from Jerry L. Gwaltney, City Manager, City of Waynesboro and from Lesley A. Pultz, a Waynesboro resident. WZKT is presently silent and these persons are concerned about the reactivation of the facility because of its proximity to a day care center for preschool children, which is sponsored as a joint venture by the city and some of its major industries.

The Commission's records will reflect that WZKT's license was renewed March 3, 1989, (BR-880914YD) upon a certification by the licensee that it is in compliance with ANSI standards (47 C.F.R. Section 1.1307(b)) (Appendix A hereto). Nonetheless the assignee has engaged a technical consultant to review WZKT's compliance with ANSI standards. The technical consultant, Victor C. Bosizer, concluded inter alia (see Appendix B hereto):

Utilizing criteria set forth in the attached Table, operation of these broadcast facilities will not cause exposure of workers or the general public to levels of RF radiation in excess of "Radio Frequency Protection Guides," adopted by The American Standards Institute (ANSI C95.1-1982).

GARDNER, CARTON & DOUGLAS

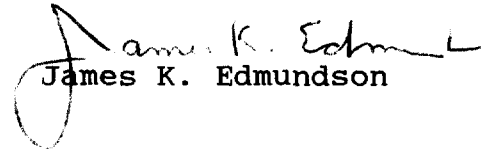
Ms. Donna R. Searcy
November 13, 1992
Page 2

RE: WZKT(AM)
Waynesboro, VA

In these circumstances, the assignee, Hometown Media, Inc., would respectfully urge that the reactivation of WZKT will not expose the general public to levels of radio frequency radiation in excess of ANSI standards. The assignee would observe too that the WZKT tower is surrounded by an appropriate fence erected at a distance of at least three meters from the base of the station's tower which is secured so as to preclude casual or inadvertent access. Prior to reactivation, the assignee will obtain from the National Association of Broadcasters warning signs to supplement or replace present signs and which will describe the nature of the hazard (see Appendix C hereto).

The Commission's early attention to the assignment application will be appreciated. Please direct inquiries concerning same to M. Scott Johnson (202/408-7122) of this office or to the undersigned.

Sincerely,


James K. Edmundson

Enclosures

cc: (with enclosures)
Myrtle D. Hastie
FCC, ROOM 344

Jerry L. Gwaltney
City Manager
City of Waynesboro

Lesley A. Pultz
44 Grandview Manor Court
Waynesboro, VA 22980

JKE:vld
38076-001\41891

WZKT(AM)
Waynesboro, Virginia
BAL-920902ED

APPENDIX A

Waynesboro's
First Station
Since 1947



Personality
Radio

1304 Ivy Street • P. O. Box 40 • Waynesboro, Virginia 22980 • 703-943-WAYB (943-9292) or 703-886-8329

25 May 1988

Federal Communications Commission
Washington, DC 20554

Gentlemen:

Waynesboro Broadcasting Corporation, licensee of WAYB-AM in Waynesboro Virginia, has analyzed our RF radiation under ANSI standards, and we are in compliance with the regulations.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Slocum".

Scott Slocum
General Manager, WAYB

A handwritten signature in cursive script, appearing to read "G.E. Channells".

G.E. Channells
Chief Engineer

WZKT(AM)
Waynesboro, Virginia
BAL-920902ED

APPENDIX B

WZKT(AM) CERTIFICATION -- RF RADIATION

In accordance with the FCC's OST Bulletin No. 65, I have performed the calculations and analysis appropriate for determining the power densities of radio frequency (RF) radiation from antenna on the tower of Station WZKT. My evaluation has taken into account all non-excluded transmitters in and around the transmitter site. Based upon these studies and my inspection of the relevant facilities, I hereby certify that:

1. Station WZKT operates on AM, frequency 1490 KHz.
2. This station operates with effective radiated power of:

Day	\pm	KW
Night	\pm	KW

3. The antenna tower is 50 meters above ground.
4. Utilizing criteria set forth in the attached Table, operation of these broadcast facilities will not cause exposure of workers or the general public to levels of RF radiation in excess of "Radio Frequency Protection Guides," adopted by The American Standards Institute (ANSI C95.1-1982).
5. The general public and station employees are also protected from exposure exceeding ANSI guidelines by station policies and operational procedures which are exemplified by the attached Policy on Limiting RF Exposure, which is enforced by the employees of the station.

Dated this 14th day of OCTOBER, 1992.

By: Walter C. Boyer, CET

TABLE 1

DISTANCES (IN METERS) AT WHICH FIELDS FROM AM STATIONS
ARE PREDICTED TO FALL BELOW VARIOUS ELECTRIC FIELD STRENGTHS
(*See notes below)

Electric Field Strength (V/m)	Magnetic Field Strength (A/m)	Transmitter Power (kW)								
		50.00	25.00	10.00	5.00	2.50	1.00	0.50	0.25	0.10
25	0.06	109	83	60	47	37	27	22	18	13
50	0.13	65	51	37	29	23	18	14	11	8
75	0.19	49	38	28	23	18	13	11	8	6
100	0.25	40	31	23	19	15	11	9	7	5
150	0.38	30	24	18	15	11	8	6	5	4
200	0.50	25	20	15	12	9	7	5	4	3
300	0.75	20	16	11	9	7	5	4	3	<2
400	1.00	16	13	9	7	6	4	3	<2	<2
500	1.25	14	11	8	6	5	3	3	<2	<2
→ 632 (ANSI)	1.58 (ANSI)	12	9	7	5	4	③	<2	<2	<2
750	1.88	11	8	6	5	4	3	<2	<2	<2
1000	2.50	9	7	5	4	3	<2	<2	<2	<2

*Notes: (1) This table can be used for any AM frequency or electrical height.

(2) The entries in this table apply to both electric field strength and the corresponding magnetic field strength (assuming impedance of free-space equals 400 ohms). See text for further discussion.

WZKT(AM)
Waynesboro, Virginia
BAL-920902ED

APPENDIX C

WZKT RF POLICY STATEMENT

1. The facilities of Station WZKT, Waynesboro, Virginia, are and will be in compliance with the ANSI guidelines for human exposure to RF radiation as set forth in the Commission publication "Evaluating Compliance With FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," OST Bulletin No. 65, October 1985.

2. The WZKT tower is and will be surrounded by an appropriate fence erected at a distance of at least three meters from the base of the station's tower which is secured so as to preclude casual or inadvertent access. Warning signs at appropriate intervals will be posted which describe the nature of the hazard.

3. When work is performed on the WZKT tower or antenna, operating power will be either reduced or terminated to protect occupational workers from potential exposure to RF radiation.

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

James K. Edmundson
(202) 408-7162

(202) 408-7100
FACSIMILE: (202) 289-1504

February 15, 1994

Mr. James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 344
Washington, D.C. 20554

AM BRANCH

FEB 15 1994

RE: WAYB(AM)
Waynesboro, Virginia
BTC-921019EA/BAL-920902ED
FCC Ref. 1800B2-BSB

RECEIVED

Dear Mr. Burtle:

The purpose of this letter is to request on behalf of Slocumedia, Inc., licensee of WAYB(AM), Waynesboro, Virginia and Hometown Media, Inc., the proposed assignee of WAYB, an extension of time to and including March 7, 1994, in which to consummate the above-referenced pro forma (BTC-921019EA) and assignment (BAL-920902ED) transactions. The undersigned counsel has been out of the office for surgery and recuperation for most of the period from December 1, 1993 through February 6, 1994. Although counsel is on a part-time schedule, it is anticipated that the closing papers can be prepared and the closing consummated on or before March 7.

The undersigned is undertaking to confirm this request telephonically with the AM Branch.

Please direct inquiries concerning same to M. Scott Johnson of this office (202-408-7122) or to the undersigned.

Sincerely,


James K. Edmundson

cc: Brian R. Browdie
FCC, Room 344

JKE:vld
38076-001\72084

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

James K. Edmundson
(202) 408-7162

(202) 408-7100
FACSIMILE (202) 289-1504

March 31, 1994

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: WAYB
Waynesboro, Virginia
BAL-920902ED

AM BRANCH

APR 1 1994

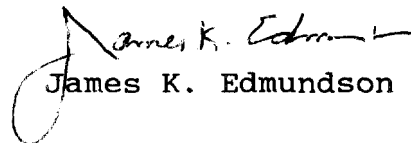
RECEIVED

Dear Mr. Caton:

The Commission is respectfully advised on behalf of our client, SlocuMedia Inc., that the above-referenced application to assign the license of standard broadcast Station WAYB, Waynesboro, Virginia, was consummated effective March 7, 1994, pursuant to the prior consent of the Commission (BAL-920902ED), granted December 6, 1993.

Please direct inquiries concerning this advice to M. Scott Johnson (202-408-7122) of this office or to the undersigned.

Sincerely,


James K. Edmundson

cc: Myrtle D. Hastie,
FCC, Room 344

JKE:vld
69357-001\75020

2m-239

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEB 23 3 10 PM '94

February 18, 1994


FILE
BY

IN REPLY REFER TO:
8910-MB
STOP CODE 1800B2

Hometown Media, Inc.
Radio Station WAYB-AM
Route 2, Box 220
Forest, Virginia 24551

This is in reference to attorney letter dated 2/15/94. Authority and terms in special temporary authority granted 11/3/93 extended through 6/1/94. Understand the proposed assignment to Hometown of WAYB license, approved 12/6/93 (BAL-920902AD) has not been consummated. It is presently anticipated that the closing will be consummated on or before 3/7/94, and that the assignee will be able to activate the temporary facility shortly thereafter.

James R. Burtle
Chief, AM Branch
Audio Services Division
Mass Media Bureau


May Bradfield
Comms. Analyst

EIC- Norfolk
ATTY- Gardner, Carton et al

Approved by OMB
3060-0440
Expires 2/28/93

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
USE
ONLY

FCC/MELLON FEB 15 1994

12-15-94 319051

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

HOMETOWN MEDIA, INC.

MAILING ADDRESS (Line 1) (Maximum 34 characters - refer to Instruction 12 on reverse of form)

Route 2, Box 220

FEB 18 1994

MAILING ADDRESS (Line 2) (If required - Maximum 35 characters)

RECEIVED

CITY

Forest

STATE OR COUNTRY (if foreign address)

Virginia

ZIP CODE

24551

CALL SIGN OR OTHER FCC IDENTIFIER (if applicable)

WAYB (AM)

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)				
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY			
(1) <table border="1"><tr><td>M</td><td>G</td><td>R</td></tr></table>	M	G	R		\$ 100.00	
M	G	R				

SECTION II - To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)									
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY								
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td></tr></table>				\$ <table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE
THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED
REMITTANCE

TOTAL AMOUNT REMITTED
WITH THIS APPLICATION
OR FILING

\$ 100.00

FOR FCC USE ONLY

100.00

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

CHICAGO, ILLINOIS

James K. Edmundson
(202) 408-7162

(202) 408-7100
FACSIMILE (202) 289-1504

February 15, 1994

R & S Courier
12790

Federal Communications Commission
Mass Media Services
Post Office Box 358190
Pittsburgh, Pennsylvania 15251-5190

RE: WAYB(AM)
Waynesboro, Virginia

Dear Sir or Madame:

Hometown Media, Inc., the proposed assignee of WAYB(AM), Waynesboro, Virginia, has outstanding Special Temporary Authority to resume the operation of standard broadcast Station WAYB with the temporary facilities described in its STA request filed October 22, 1993 (Appendix A thereto) (FCC letter, dated November 3, 1993, granting an STA through February 15, 1994). Pursuant to Section 73.1635 of the Rules, Hometown respectfully requests the Commission to renew the STA for an additional 90 day period to and including May 16, 1994. The proposed assignment to Hometown of the WAYB license, approved December 6, 1993 (BAL-920902ED) has not been consummated. (The undersigned counsel has been out of the office for surgery and recuperation for most of the period from December 1, 1993 through February 6, 1994.) It is presently anticipated that the closing will be consummated on or before March 7, 1994, and that the assignee will be able to activate the temporary facility shortly thereafter.

A check in the amount of \$100 is enclosed to cover the required filing fee. It is certified on behalf of Hometown that no party to this request is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 853a.

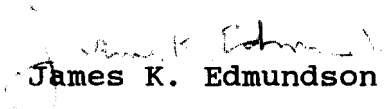
GARDNER, CARTON & DOUGLAS

FCC, Pittsburgh, PA
February 15, 1994
Page 2

RE: WAYB(AM)
Waynesboro, VA

Please direct inquiries concerning this request to M. Scott Johnson (202/408-7122) of this office or to the undersigned.

Sincerely,


James K. Edmundson

Enclosure

cc: (with enclosure)
May Bradfield
FCC, Room 342

JKE:vld
38076-001\36931.2

3388

GARDNER, CARTON & DOUGLAS 5-78

PH. 202-408-7100
1301 K ST., NW., SUITE 900, EAST TOWER
WASHINGTON, DC 20005

15 February 19 94

15-41
540

PAY TO THE ORDER OF Federal Communications Commission \$ 100.00

One Hundred and -----no/100 DOLLARS

1st AMERICAN BANK
FIRST AMERICAN BANK, N.A.
WASHINGTON, DC 20005



⑈003388⑈ ⑆054000043⑆ ⑈

3178811⑈

239

FUG 11/11/92
DEC 1

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

DEC 6 1993

**In Reply Refer To:
1800B2-BSB**

James K. Edmundson, Esquire
Gardner, Carton & Douglas
1301 K Street, NW
Suite 900, East Tower
Washington, DC 20005

In Re: WAYB(AM), Waynesboro, Virginia
File Nos. BTC-921019EA/BAL-920902ED
Application for Transfer of Control
Application for Assignment of License

Dear Mr. Edmundson:

This is in reference to the above-captioned pro forma application for transfer of control (BTC-921019EA) of Slocumedia, Inc., licensee of WAYB(AM), Waynesboro, Virginia ("Slocumedia") from Earl Judy, Jr. to Leon P. Harris, Kenneth Bowman, and Nancy Bowman, and the above-captioned application for assignment of license of WAYB(AM) from Slocumedia to Hometown Media, Inc. ("Hometown").¹ On September 29, 1992, we received an informal objection to grant of the proposed assignment of license from Lesley A. Pultz, expressing her concern that her children may be exposed to harmful radiation as a result of the proposed recommencement of operation of WAYB(AM) from its licensed transmitter site, which is located "within a few feet" of a daycare center attended by Ms. Pultz's children.² On October 8, 1992, we received a letter from Jerry L. Gwaltney, City Manager of the City of Waynesboro, requesting the Commission's advice as to the potential for harmful radiation from WAYB(AM). By letter dated November 13, 1992, Hometown asserted that, based on a

¹ At the time of filing of the subject applications WAYB(AM) was identified by the call sign WZKT(AM). The station, which changed call sign effective December 4, 1992, has been off the air since December 27, 1990. WAYB(AM) is licensed to operate on the frequency 1490 kHz with 1 kw power daytime and nighttime using a non-directional antenna system. Hometown states its intention to recommence operation of the station within 60 days of consummation.

² Ms. Pultz explains that the daycare center leases the building that previously housed WAYB(AM).

review by its technical consultant, the reactivation of WAYB(AM) "will not expose the general public to levels of radiofrequency radiation in excess of ANSI standards."³ Subsequently, by letter dated January 7, 1993, the Commission's Office of Engineering and Technology advised the parties that while the WAYB(AM) facility appeared to be in compliance with radiofrequency radiation standards currently used by the Commission, the parties might wish to undertake a measurement study upon resumption of operation to confirm that no adverse exposure conditions would be caused at the daycare center.⁴

By letter dated October 22, 1993, Hometown requested special temporary authority ("STA") to resume operation of WAYB(AM) upon grant of the subject assignment of license application from a new transmitter location for which it has obtained zoning approval.⁵ By letter dated November 3, 1993, the Commission granted Hometown's request for STA through February 15, 1994.⁶ Hometown contends that operation of WAYB(AM) from the STA site should satisfy radiofrequency radiation-related objections to grant of the subject assignment of license application while enabling Hometown to restore WAYB(AM)'s operation. Hometown further contends that regardless of the ultimate suitability of the STA site it will not resume operation of WAYB(AM) from the station's currently licensed site because it lacks zoning authority to do so.⁷

Because Hometown proposes to return WAYB(AM) to the air from a transmitter site approximately 2.3 miles from the station's currently licensed site, we find concerns about the prospect of radiofrequency radiation exposure to children who attend the daycare center adjacent to the station's currently licensed transmitter site to be moot.⁸ We further note that

³ By letter dated November 23, 1992, Ms. Pultz asserted that Hometown's technical consultant based his conclusion on theoretical considerations without actually visiting the transmitter site. In support of her contentions, Ms. Pultz submitted photographs showing the proximity of WAYB(AM)'s tower and supporting guy wires to the daycare center.

⁴ The Commission also advised the parties that in view of the controversial nature of the subject application the Commission might also request measurements upon reactivation of the tower.

⁵ The STA site is located 2.3 miles from WAYB(AM)'s currently licensed site.

⁶ The STA authorizes operation of WAYB(AM) using the same technical facility as the station's licensed facility.

⁷ Hometown states its intention to take field-strength measurements to support an application on Form 301 for a permanent facility at the STA location.

⁸ Nonetheless, we note that Ms. Pultz has submitted no documentary evidence in support of her assertion that the licensed WAYB(AM) facility is not in compliance with radiofrequency radiation guidelines.

regardless whether Hometown is ultimately granted permanent authority to operate WAYB(AM) from the station's STA location, there exists no immediate prospect of restoring the station's operation from its currently licensed site so long as Hometown lacks the necessary zoning authority to do so. Accordingly, we find that no substantial or material question exists whether grant of the above-captioned applications would serve the public interest.

Based on the foregoing, the informal objection to grant of the above-captioned assignment of license application filed by Lesley A. Pultz IS DISMISSED AS MOOT. Upon a finding that the parties are otherwise qualified, the above-captioned pro forma application for transfer of control (BTC-921019EA) of Slocumedia from Earl Judy, Jr. to Kenneth D. Bowman, Nancy M. Bowman, and Leon P. Harris IS GRANTED, and the above-captioned application for assignment of license (BAL-920902ED) of WAYB(AM) from Slocumedia, Inc. to Hometown Media, Inc. IS GRANTED. Grant of the above-captioned transfer of control application shall be consummated prior to, or concurrently with, the above-captioned assignment of license. Grant of the above-captioned assignment of license application is further subject to the following conditions: (1) that WAYB(AM) not resume operation from its currently licensed site but at the location specified in the station's STA within 60 days of consummation of the assignment of license; (2) that Hometown Media, Inc. file an application for construction permit on Form 301 identifying the STA site, or a suitable alternative, within 60 days of consummation of the assignment of license; and (3) that 10 days prior to commencing WAYB(AM)'s regular programming operation, Hometown Media, Inc. shall submit a partial proof of performance taken in accordance with the Commission's Rules.

Sincerely,



Larry D. Eads, Chief
Audio Services Division
Mass Media Bureau

cc:

Lesley A. Pultz

Jerry L. Gwaltney